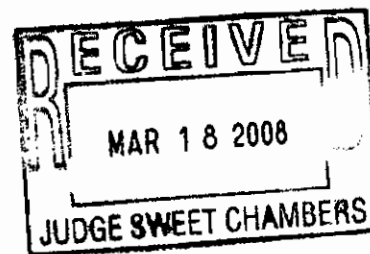


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



AXION POWER INTERNATIONAL,  
INC., WILLIAM AND TRACY  
AHEARN, h/w, SALLY FONNER, and  
JAMES SMITH, M.D.,

Plaintiffs,

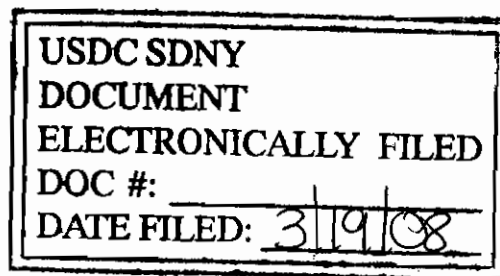
v.

MERCATUS & PARTNERS, LTD., MF  
GLOBAL, INC., MF GLOBAL, UK, Ltd.,  
CARI MASI a/k/a CARY MASI, BNP  
PARIBAS SECURITIES SERVICES,  
BANCA MB S.p.A., DWIGHT  
PARSCALE, STEPHANO CEVALO,  
CONTINENTAL STOCK TRANSFER  
AND TRUST COMPANY, PENSON  
FINANCIAL SERVICES, INC. AND  
BROWN BROTHERS HARRIMAN &  
CO.,

Defendants.

Civil Action No. 07-CV-11493 (RWS)

STIPULATION AND [PROPOSED]  
ORDER

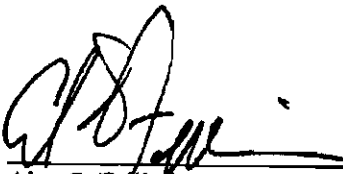


IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
counsel, that the date by which Plaintiffs must answer or otherwise respond to Defendant  
Dwight Parscale's Motion to Dismiss the Complaint is extended to and including April 7,  
2008; and

IT IS FURTHER STIPULATED AND AGREED that this stipulation shall not be  
deemed a waiver of any rights, arguments, or defenses available to the parties or in any  
way impair such rights, arguments, or defenses, and that no previous requests for  
extensions of time have been made.

Dated: March 16, 2008

FELLHEIMER AND EICHEN LLP

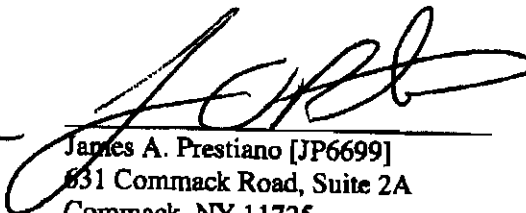


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*Attorneys for Plaintiffs*

THE LAW OFFICES OF JAMES A.  
PRESTIANO, P.C.

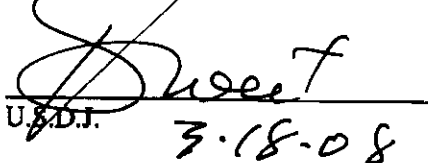


James A. Prestiano [JP6699]  
631 Commack Road, Suite 2A  
Commack, NY 11725

Telephone (631) 499-6000

*Attorneys for Defendant Dwight Parscale*

SO ORDERED:

  
U.S.D.J. 3.18.08